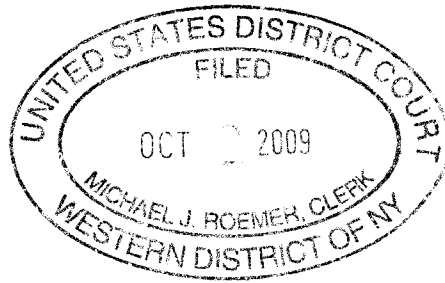


**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

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**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**GAYLE PORTER,**

**Defendant.**

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**DOCKET NO. 09-CR-330S**

**REPORT AND RECOMMENDATION**

By Order of Judge William M. Skretny dated September 30, 2009, the above case was referred to me, with the consent of the defendant, to take the defendant's plea of guilty and to conduct an allocution pursuant to Rule 11 of the Federal Rules of Criminal Procedure for a Report and Recommendation. The following is my Report and Recommendation as to the defendant's plea of guilty.


On October 2, 2009, the defendant entered a plea of guilty in this case, as set forth in the transcript of the plea proceeding, which is transmitted with this written Report and Recommendation. In accordance with my oral Report and Recommendation at the close of the plea proceeding, it is my Report and Recommendation that the defendant's plea of guilty accords with the requirements of

Rule 11 of the Fed. R. Crim. P. and that Your Honor adjudge the defendant guilty of the offense(s) to which the guilty plea was offered.

The time from October 2, 2009 until Judge Skretny rules on this Report and Recommendation is excluded from the Speedy Trial Act calendar pursuant to 18 U.S.C. §§ 3161(h)(1) and 3161(h)(1)(G).

**SO ORDERED.**

DATED:      October 2, 2009  
                 Buffalo, New York

  
**H. KENNETH SCHROEDER, JR.**  
**United States Magistrate Judge**